

Practitioner's Docket No.: 1372.223.PRC

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Abdul Malik et al. )

Serial No.: 10/057,080 )

Filed: 01/24/2002 )

For: Sol-Gel Open Tubular ODS Columns )  
with Charged Inner Surface for )  
Capillary Electrochromatography )

Art Unit: 1723

Examiner: Ernest G. Therkorn

Confirmation No.: 3341

Faxed to Technology Center 1700 at (703) 872-9310  
Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the nonfinal Examiner's Action mailed March 19, 2004, having a shortened statutory period for response set to expire April 19, 2004, the above-identified patent application is amended a first time as follows:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Applicant elects claims 1-13, drawn to a column, classified in class 210, subclass 198.2. The claims readable thereon are claims 1-13.

TRAVERSE OF ELECTION/RESTRICTION REQUIREMENT

Applicant respectfully traverses the restriction requirement on the ground that it would not be an undue burden to examine the claims in full. If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions (MPEP 803). Here, all of the claim sets which the Office asserts require a restriction are all in the same class, class 210.

Although the Office categorizes each claim set into different subclasses, the field of search is the same. Furthermore, there is no clear indication that, in the future, the claim sets will fall into a separate classification and field of search. Respectfully, the Office has not met its burden in establishing the necessity of a restriction in this case.

**REMARKS**

By election of the claims, as set forth above, Applicant only wish to advance prosecution of the present application. Applicant reserves the right to petition the decision of the Office regarding the restriction requirement under MPEP §1002 Petitions to the Commissioner, and 37 CFR §1.181.

If an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,

SMITH & HOPEN

By: 

Anton J. Hopen  
Suite 220  
15950 Bay Vista Drive  
Clearwater, FL 33760  
(727) 507-8558  
Attorneys for Applicant

Dated: April 19, 2004

pc: University of South Florida

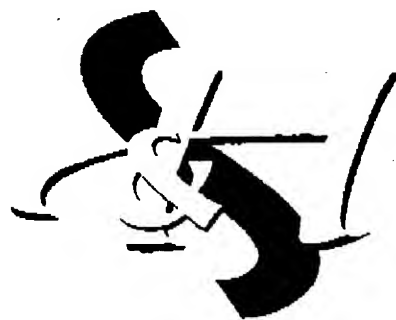
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**CERTIFICATE OF FACSIMILE TRANSMISSION**  
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this response is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 1723, Attn: Ernest G. Therkorn, (703) 872-9310 on April 19, 2004.

Dated: April 19, 2004

  
Deborah Preza



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INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Anton J. Hopen
Attn:	Ernest G. Therkorn - Art Unit 1723	Client:	1372.223.PRC
Fax:	(703) 872-9310	Pages:	4 including coversheet
Phone:	(571) 272-1149	Date:	April 19, 2004
Re:	USSN 10/057,080	CC:	University of South Florida

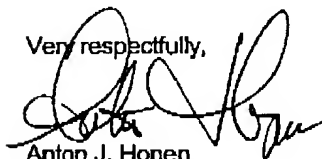
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Dear Examiner Therkorn:

Enclosed please find the following:

1. Amendment Transmittal with Certificate of Facsimile Transmission dated April 19, 2004 (1 page); and
2. Response to Election/Restriction Requirement with Certificate of Facsimile Transmission dated April 19, 2004 (2 pages).

Very respectfully,



Anton J. Hopen  
Reg. No. 41,849

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## AMENDMENT TRANSMITTAL

1. Transmitted herewith is a Response to Election/Restriction Requirement for this application.

## STATUS

2. Applicant is an independent inventor. A statement was already filed.

## EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

SIGNATURE OF PRACTITIONER

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## CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 1723, Attn: Ernest G. Therkorn, (703) 872-9310 on April 19, 2004.

Dated: April 19, 2004

Deborah Preza

(Amendment Transmittal—page 1)